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July 24, 2023

VIA ECF

United States District Court
Eastern District of New York
Attn: Hon. Orelia E. Merchant, U.S.D.J.
225 Cadman Plaza East
Courtroom 6C South
Brooklyn, NY 11201-1804

Re: Stidhum v. 161-10 Hillside Auto Ave, LLC, et al.
Case No.: 1:21-cv-7163 (HG) (LB)
MLLG File No.: 94-2019

Dear Judge Merchant:

This firm represents the Defendants, 161-10 Hillside Auto Ave., LLC d/b/a Hillside Auto Outlet (hereinafter “Hillside Auto Outlet”), Hillside Automall Inc d/b/a Hillside Auto Mall (hereinafter “Hillside Auto Mall”) (Hillside Auto Outlet and Hillside Automall collectively hereinafter the “Corporate Defendants”), Ishaque Thanwalla (hereinafter “Thanwalla”), Jory Baron (hereinafter “Jory”), Ronald M. Baron (hereinafter “Baron”), and Andris Guzman (hereinafter “Guzman”) (Thanwalla, Jory, Baron, and Guzman hereinafter “Individual Defendants”) (the Corporate Defendants and Individual Defendants collectively hereinafter the “Defendants”) in the above-referenced case. Defendants write concerning two (2) issues,

Defendants Consent to Plaintiff’s Request for an Extension of Time

Defendants write in response to Plaintiff’s letter motion for an extension of time to submit a response to their letter motion for a pre-motion conference in anticipation of their motion for summary judgment. Although the letter motion is untimely and riddled with misrepresentations, Defendants consent to Plaintiff’s request.

Plaintiff’s Rule 72 Motion Must be Stricken as is an Impermissibly Filed Letter Motion

Defendants respectfully note that on July 12, 2023, Plaintiff filed a *letter* motion seeking to object or set aside the Hon. Lois Bloom, U.S.M.J.’s Order denying Plaintiff’s motion for spoliation sanctions pursuant to Rule 72 of the Federal Rules of Civil Procedure. See ECF Docket Entry [79](#). However, Defendants respectfully submit that the letter motion should be stricken as defective because it is violative of Local Civil Rule 6.1 of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York (hereinafter “LCR” or “Local Civil Rules”), which provides that on a civil motion such as the Plaintiff’s Rule 72 motion must be accompanied by a notice of motion, supporting affidavits, and memoranda of law. Plaintiff failed to comply with Local Civil Rule 6.1

As such, it should be stricken and properly filed as a formal motion. In the event the Court were to accept Plaintiff's defective motion (which it should not), Defendants respectfully request an extension of time of one (1) week to respond to same.

Pursuant to ¶ II(G) of this Court's Individual Practices and Rules, Defendants respectfully submit that: (i) the original date Defendants' opposition to Plaintiff's Rule 72 motion is due falls on Wednesday, July 26, 2023; (ii) the reason for the request is because undersigned counsel were engaged in a trial before the Hon. Lewis J. Liman, U.S.D.J. from Monday, July 10, 2023 through Wednesday, July 19, 2023 and need additional time to respond to Plaintiff's motion; (iii-iv) there have been no previous requests for an extension of the deadline to oppose Plaintiff's Rule 72 motion; (v) Plaintiff has not responded to Defendants' request for consent sent this morning and, as such, it is unknown whether she consents; and (vi) the requested extension of time does not affect any other scheduled dates to Defendants' knowledge.

Defendants thank this Court for its time and attention to this case.

Dated: Lake Success, New York
July 24, 2023

Respectfully submitted,
MILMAN LABUDA LAW GROUP PLLC
/s/ Emanuel Kataev, Esq.

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